

**REMARKS**

***Amendment summary***

Claims 1 and 11 are amended to recite that the non-linoleum material is in the form of a solution, paste, suspension or dispersion. This amendment is supported by at least, e.g., page 2, lines 25-27 of the present specification.

No new matter is added by this Amendment, and Applicants respectfully submit that entry of this Amendment is proper.

***Status of the claims***

Claims 1-3, 6-9, 17, 19, 21, and 23 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Markmann et al. (DE 199 15 868) in view of Humphreys et al. (U.S. Patent No. 1,873,587) (hereinafter “Markmann” and “Humphreys,” respectively). Claims 4, 10, 18, 20, 22, 24, 26, and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Markmann and Humphreys, further in view of Egleson (U.S. Patent No. 1,691,708) (hereinafter “Egleson”). In addition, Claims 11-14 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Markmann in view of Humphreys and Stroppiana (U.S. Patent No. 5,217,554).

***Response to claim rejections based on Markmann***

Applicants respectfully traverse the rejections based on Markmann because the cited references fail to disclose or suggest the presently recited non-linoleum material in the form of a solution, paste, suspension or dispersion.

Present Claim 1 recites a method for producing a patterned linoleum sheeting, comprising the steps:

- (a) Applying a flat layer of a non-linoleum material which is different from the raw materials used for the production of a linoleum mixture to at least portion of the surface of a green linoleum and/or introducing a non-linoleum material which is different from the raw materials used for the production of a linoleum mixture into predetermined recesses in the green linoleum,
- (b) Cutting the resulting green linoleum into pieces of a predetermined length,
- (c) Layering the cut green linoleum pieces to form a tiled stack of sheets and
- (d) Calendering the tiled stack of sheets to form patterned linoleum sheeting.

Claim 1 further recites that the non-linoleum material is a metallic material and/or a pigment that differs from the pigment(s) optionally used for coloring the linoleum mixture, and is in the form of a solution, paste, suspension or dispersion.

As discussed in the present specification, since the non-linoleum material is applied in the form of a solution, paste, suspension or dispersion, rather than the cited references' form of solid powder or granules, it is possible to continuously and coherently cover a respective linoleum material to be processed according to the methods of the presently claimed invention. This surprisingly and advantageously leads to respective patterned linoleum sheetings not available heretofore.

With respect to Markmann, Applicants respectfully submit that this reference (the alleged U.S. language equivalent cited in the Office Action) merely describes that "[t]he composition of the particles can be identical to or different from the composition of the rolled linoleum sheet.

Preferably, the particles have a similar composition to that of the rolled linoleum sheet, except for their pigmentation.”

In contrast, the present claims recite the use of a non-linoleum material which is different from the raw materials used for the production of a linoleum mixture. In addition, the non-linoleum material is a metallic material and/or a pigment that differs from the pigment(s) optionally used for coloring the linoleum mixture, and is in the form of a solution, paste, suspension or dispersion.

In this context, with respect to Humphreys, in contrast to the position set forth on page 4, lines 9-10 of the Office Action, Humphreys fails to disclose or suggest that a respective non-linoleum material which is different from the raw materials used for the production of a linoleum mixture, is added in the form of a solution or dispersion, as recited in the present claims. Instead, Humphreys discloses at page 1, lines 40 to 45 that “[w]hen the metallic substance is added subsequently to the thorough mixing of the linoleum ingredients and is simply stirred through the same without an intimate mixture being effected, the resulting linoleum has a metallic luster....” Accordingly, Humphreys discloses that only the metallic substance is added to the respective linoleum mixture, which might, if at all, in the end be regarded as a dispersion including the metallic substance. However, this disclosure does not indicate to a person having ordinary skill in the art that a non-linoleum material is added in the form of a solution, paste, suspension, or dispersion. A solution, paste, suspension, or dispersion inherently encompasses the presence of other ingredients, such as liquids. Moreover, Humphreys discloses at page 1, lines 55 to 59, that “[w]e prefer to mingle the lustrous substance with the various linoleum constituents prior to application thereof to the backing so that the particles are dispersed through the finished linoleum and the desired texture effect still remains after the surface has been worn.”

Again, this confirms that Humphreys does not relate to the addition of a non-linoleum material in the form of a solution, paste, suspension, or dispersion.

Thus, Applicants respectfully submit that Humphreys merely describes a linoleum mixture including lustrous metallic particles, applied to a backing (see, e.g., claim 1 of Humphreys). Humphreys does not disclose or suggest the addition of a non-linoleum material in the form of a solution, paste, suspension, or dispersion. Accordingly, a person having ordinary skill in the art would not arrive at the presently claimed invention even were they to combine the teachings of Markmann and Humphreys.

Applicants also respectfully submit that Egleson fails to remedy the deficiencies in Markmann and Humphreys. Egleson merely describes a linoleum floor covering having embossed or depressed areas forming a pattern thereon, a multiplicity of light-reflecting surfaces formed within the depressed areas, and a transparent coating material filling the depressed areas (see, e.g., Claim 1 of Egleson). Egleson therefore fails to correct the deficiencies in Markmann and Humphreys.

Stroppiana similarly fails to remedy the deficiencies of Markmann and Humphreys. Stroppiana merely describes a method of forming coverings with a decorative surface effect, including the steps of: providing a continuous substrate, subjecting the continuous substrate to an operation resulting in the formation of multiple shavings and a continuous gathering substrate, collecting the shavings on the gathering substrate, and subjecting the shavings to a compression operation against the gathering substrate so as to produce a covering with the decorative surface effect comprising at least one of grain effects, marbling, and veining (see, e.g., Claim 1 of Stroppiana). Thus, Stroppiana relates to a completely different technical problem and its

respective solution, and thus fails to render obvious the present claims, either alone or in combination with the other cited references.

In view of the above, Applicants respectfully submit that the presently claimed invention is not anticipated or rendered obvious by the cited references. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejections.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Travis B. Ribar /

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Travis B. Ribar  
Registration No. 61,446

Date: August 27, 2010